

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lenson Clyburn,)	C/A No.: 1:13-2171-JFA-SVH
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Dr. Paul C. Drago, in his personal)	
capacity,)	
)	
Defendant.)	
)	

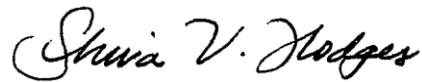
Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 397 (1971).¹ Defendant filed a motion for summary judgment on January 23, 2014. [Entry #23]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975) on January 24, 2014, advising him of the importance of the motion for summary judgment and of the need for him to file an adequate response. [Entry #24]. Plaintiff was specifically advised that if he failed to respond adequately, Defendant's motion may be granted.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to properly respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based

¹ *Bivens* is the case establishing, as a general proposition, that victims of a constitutional violation perpetrated by a federal actor may sue the offender for damages in federal court despite the absence of explicit statutory authorization for such suits." *Carlson v. Green*, 446 U.S. 14, 18 (1980); see also *Holly v. Scott*, 434 F.3d 287, 289 (4th Cir. 2006).

on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to Defendant's motion for summary judgment by March 19, 2014. Plaintiff is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

March 5, 2014
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge